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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASON JOHNSON,

Plaintiff,

v.

SHARKNINJA OPERATING, INC.,

Defendant.

No. 2:22-cv-01452-MCE-DB

STIPULATION AND
ORDER TO AMEND SCHEDULING
ORDER

Plaintiff Jason Johnson ("Plaintiff") and Defendant SharkNinja Operating LLC ("SharkNinja" or "Defendant") (jointly "parties") hereby file their Stipulation to continue the discovery deadlines in the Scheduling Order.

A. The Nature of the Case and the Claims.

On September 12, 2020, Plaintiff was using a SharkNinja pressure cooker. Plaintiff alleges that the pressure cooker's lid unexpectedly and suddenly blew off the pot in an explosive manner. Plaintiff further alleges that the contents of the pressure cooker were forcefully ejected out of the pot and onto Plaintiff, causing severe, disfiguring burns to his arms, chest, and stomach.

Plaintiff asserts claims for Strict Products Liability and Negligence. Plaintiff is seeking damages for: (1) past medical expenses; (2) past and future physical pain and suffering; (3) past and future mental pain and suffering; (4) lost wages; (5) loss of full enjoyment permanent injuries; (6) physical impairment; (7) loss of enjoyment of life; and (8) punitive damages.

B. Requested Changes to the Amended Scheduling Order

The Parties request the following changes to the Amended Scheduling Order.

Event	Current Date	Requested Date
Discovery Cutoff	January 31, 2024	April 1, 2024
Designation of Expert Witnesses	March 1, 2024	May 15, 2024
Supplemental Designation of Expert Witnesses	April 1, 2024	June 15, 2024
Dispositive Motion Deadline	May 26, 2024	August 30, 2024

C. Good Cause for the Requested Changes

The Parties jointly bring this Stipulation for their second request for continuance of the scheduling order. [Declaration of Roger S. Davidheiser, ¶12.] On October 20, 2023, the parties sought, and on October 24, 2023, the Court granted, an Amended Scheduling Order. [Declaration of Roger S. Davidheiser, ¶12.]

Under Fed. R. Civ. P 16(b)(4), “[a] schedule may be modified only for good cause and with the judge’s consent.” “Good cause” is a non-rigorous standard that has been construed broadly across procedural and statutory contexts. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). The good cause standard focuses on the diligence of the party seeking to amend the scheduling order and the reasons for seeking modification. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). “[T]he court may modify the schedule on a showing of good cause if it cannot

1 reasonably be met despite the diligence of the party seeking the extension.” Fed. R. Civ.
2 P. 16, advisory committee’s notes to 1983 amendment. Therefore, “a party
3 demonstrates good cause by acting diligently to meet the original deadlines set forth by
4 the court.” Merck v. Swift Transportation Co., No. CV-16-01103-PHX-ROS, 2018 WL
5 4492362, at *2 (D. Ariz. Sept. 19, 2018).
6

7 The Parties have been diligent in conducting discovery. To date, the parties have
8 exchanged and completed written discovery. [Declaration of Roger S. Davidheiser, ¶3.]
9 SharkNinja has taken Plaintiff’s deposition. The Parties have scheduled a joint
10 inspection of the pressure cooker at issue for January 24, 2024. [Id.] The Parties are in
11 the active process of scheduling a 30(b)(6) deposition. However, due to scheduling
12 issues, the parties will not be able to complete the 30(b)(6) deposition prior to the
13 discovery cut-off. [Id.] The parties are working to schedule the deposition in February or
14 March of 2024 on a mutually convenient date. [Id.] Additionally, the parties have met
15 and conferred and need additional time to finalize expert reports.
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18 Good cause exists for the requested continuance of the Amended Scheduling
19 Order. The original Scheduling Order was entered on November 9, 2022. The Amended
20 Scheduling Order was entered on October 24, 2023. The Parties have completed initial
21 disclosures and written discovery. The parties met and conferred to discuss the need
22 for the continuance, and all agreed it is necessary. [Declaration of Roger S. Davidheiser,
23 ¶4.]
24

25 Respectfully Submitted:

26 DATED 01/30/2024

GUENARD & BOZARTH, LLP

27 By: /s/Ross Bozarth

28 Ross Bozarth

Attorneys for Plaintiff Jason Johnson

1 DATED: 01/30/2024

FRIEDMAN | RUBIN ®

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3 By: /s/Roger S. Davidheiser

4 Roger S. Davidheiser

Attorneys for Plaintiff Jason Johnson

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6 DATED: 01/30/2024

SHOOK, HARDY & BACON L.L.P.

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8 By: /s/Ryan J. Williams

9 Scott D. Kaiser

Ryan J. Williams

10 Attorneys for Defendant SharkNinja Operating
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DECLARATION OF ROGER S. DAVIDHEISER

I, Roger S. Davidheiser, hereby declare:

1. The following statements are within my personal knowledge and, if sworn as a witness, I would and could testify competently thereto. I am an attorney at law duly admitted to practice pro hac vice before this court. I am an attorney with the law firm of Friedman Rubin PLLP, attorneys of record for Plaintiff in the above-entitled action.

2. The Parties have agreed to jointly bring this Stipulation to Amend Scheduling Order. The Parties previously requested to amend the Scheduling Order in October 2023. The Parties are requesting this continuance to finalize fact discovery prior to the expert report deadline.

3. The Parties have been diligent in completing discovery. To date, the parties have exchanged and completed written discovery. SharkNinja has taken Plaintiff's deposition. The Parties have scheduled a joint inspection of the pressure cooker at issue for January 24, 2024. The Parties are in the active process of scheduling a 30(b)(6) deposition. However, due to scheduling issues, the parties will not be able to complete the 30(b)(6) deposition prior to the discovery cut-off. The parties are working to reschedule the deposition in February or March 2024 on a mutually convenient date. Additionally, the parties have met and conferred and need additional time to finalize expert reports.

4. Good cause exists for the requested continuance of the Amended Scheduling Order. The Amended Scheduling Order was entered on October 24, 2023. The Parties have completed initial disclosures and written discovery. The parties met and conferred to discuss the need for the requested continuance, and all agreed it is necessary.

1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct. Executed this 30th day of January,
3 2024, at Seattle, Washington.

4 /s/ Roger S. Davidheiser

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8 Based upon a review of the foregoing Stipulation and Declaration,

9 **IT IS SO ORDERED.**

10 Dated: January 30, 2024

11 
12 MORRISON C. ENGLAND, JR.
13 SENIOR UNITED STATES DISTRICT JUDGE
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